

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

BROOKLYN, NEW YORK 11201

CHAMBERS OF
JOHN GLEESON
U. S. DISTRICT JUDGE

IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 12 2013 ★

BROOKLYN OFFICE

December 12, 2013

Agron Hasbajrami
65794-053
FCI Fairton
P.O. Box 420
Fairton, NJ 08320

Re: case nos. 11-cr-623; 13-cv-06852

Dear Mr. Hasbajrami:

The Clerk of Court in the Eastern District of New York has received your letter notice of appeal, dated December 2, 2013.

You may believe that because I had not acted on your § 2255 petition (dated July 10, 2013), that I had denied the petition. In fact, I had simply never received your petition when you originally sent it. Fortunately, the government did receive a copy, and both the government and I now have copies of your § 2255 petition. The docket entries that I entered (and sent you copies of) on December 3 and 4 document this chain of events.

In fact, just yesterday, I entered an order to show cause in your § 2255 case (opened as No. 13-cv-6852). That order directed the government to respond to your petition.

But now that you have filed a notice of appeal, I do not have jurisdiction in your § 2255 case. As long as I do not have jurisdiction, I am not allowed to consider your petition. Furthermore, because I never acted on your § 2255 petition, the Court of Appeals will also have nothing to decide in your appeal. The Court of Appeals can only consider the case after I make a decision.

Therefore, I respectfully suggest that you withdraw your appeal. By doing that, you will allow the case to proceed as normal: the government will be given a chance to respond to your allegations; you will be able to reply to their arguments; and then I will decide the case. Once I make my decision, the losing party, whoever it is, will be allowed to seek an appeal in the Court of Appeals under the normal procedures for appeal.

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If you agree to withdraw your appeal, please sign this page and return it to me. I will then tell the Court of Appeals that you wish to withdraw your appeal, and the case will return to me so that it can proceed as normal.

If you do not sign and return this letter to me within four weeks – that is, by January 9, 2014 – I will deem that a decision not to withdraw your appeal. If that happens, I will stay your § 2255 case while the Court of Appeals decides your appeal.

A copy of this letter will be sent to the Clerk of Court for the Court of Appeals, and to counsel for the government.

Respectfully,

Judge John Gleeson


JOHN GLEESON
UNITED STATES DISTRICT JUDGE
John Gleeson, U.S. District Judge

By signing here, I, Agron Hasbajrami, agree to withdraw the appeal of my § 2255 petition in the United States District Court for the Eastern District of New York case number 13-cv-06852 (related to criminal case number 11-cr-623), dated December 2, 2013. I authorize Judge John Gleeson to convey my withdrawal to the United States Second Circuit Court of Appeals.

Signature of Agron Hasbajrami

Date